



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

April 25, 2007

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915
US

Dear Sir/Madam,

Your refund request for 10563727 in the amount of \$500.00 has been denied.

There are a total of 35 claims. Five of which are independent claims. Fees are correct.

Sincerely,

RITA WHITE
PCT - National
703 308-9140 x231

JAN. 23, 2003 3-3394

BEERLE & ROSENBERG

NO. 0513 P. 2/20

ATTORNEY DOCKET NO.: 09170.0001UP
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Pearce, et al.
Application No. 10/563,727
Filing Date: January 6, 2006
For: "METHOD AND APPARATUS FOR
PROFILING CHARACTERISTICS
OF MOBILE DEVICES"
Confirmation No. 1955
Group Art Unit: 1618
Examiner: Unassigned

SECOND REQUEST FOR REFUND

MAIL STOP 16
Commissioner for Patent
P. O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 213859

January 23, 2007

Sir

On December 8, 2006, Applicants filed a Request for Refund for the above application (attached). Applicants filed the Request for Refund with evidence showing that the \$500.00 charged to Deposit Account 14-0629 was in error (see attachments). The aforementioned refund request was never received at the U.S. Patent and Trademark Office. Applicants, therefore, submit a second refund request for the overpayment.

JAN. 23, 2007 3:33PM NEEDLE & ROSENBERG NO. 0513 P. 3/20

ATTORNEY DOCKET NO. 09170.0001U1
APPLICATION NO. 10/563,727

In light of the above, it is respectfully requested that the overpayment of \$500.00 be
credited to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.



Summer C. Rosenberg
Registration No. 28,753

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300 Phone
(678) 420-9301 Fax

| | |
|--|---------|
| CERTIFICATE OF FACSIMILE TRANSMISSION Under 37 C.F.R. 1.11 | |
| I hereby certify that this correspondence, including any items indicated as annexed or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop 16, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-145, on the date indicated below. | |
| Summer C. Rosenberg | 1/23/07 |
| Date | |

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PAGE TWO OF A FAXED DOCUMENT IN EASTERN STANDARD TIME, SIXTY SEVEN (67) SECONDS FROM THE LAST PAGE OF THIS DOCUMENT

JAN 23 2007 3:34PM NEEDLE & ROSENBERG

NO. 0513 R. 9/20

ATTORNEY DOCKET NO. 09270.000101
International Application No. PCT/GB2004/003002
EXPRESS MAIL LABEL NO. EL 997678676 US

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims

1. (Original) A method for profiling characteristics of a mobile device, the method comprising:
 - transmitting test data to the mobile device over a mobile communications network for output by the mobile device;
 - providing query data to a user interface defining queries for display by the user interface, which queries concern the expected output of the test data by the mobile device;
 - receiving response data from the user interface defining a response to the query; and
 - storing the response data in a database.
2. (Original) The method of claim 1, wherein the test data is transmitted to the mobile device using a dedicated data communications link.
3. (Currently amended) The method of claim 1 or claim 2, wherein the test data is transmitted to the mobile device using a data messaging service.
4. (Currently amended) The method of claim 1 or any one of the preceding claims, wherein the test data is transmitted to the mobile device substantially simultaneously to the query data being provided to the user interface.

JAN 23 2007 3:35PM NEEDLE & ROSENBERG NO. 0513 - P. 10/20

ATTORNEY DOCKET NO. 09170.00011
International Application No. PCT/GB2004/003002
EXPRESS MAIL LABEL NO. EL 997678676 US

5. (Currently amended) The method of claim 1 any one of the preceding claims, wherein respective queries concern respective items of test data.
6. (Currently amended) The method of claim 1 any one of the preceding claims, wherein items of test data are transmitted to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
7. (Currently amended) The method of claim 1 any one of the preceding claims, wherein respective items of test data test individual attributes of the mobile device.
8. (Currently amended) The method of claim 1 any one of the preceding claims, wherein at least some items of test data test characteristics of the display of the mobile device.
9. (Currently amended) The method of claim 1 any one of the preceding claims, wherein output of at least some items of test data comprises display of the test data.
10. (Currently amended) The method of claim 1 any one of the preceding claims, wherein at least some of the items of test data test communication characteristics of the mobile device.

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PAGE 10 OF 10 AT 12/27/2011 11:56 AM Eastern Standard Time 881317075774 00000000000000000000000000000000

JAN. 23. 2007 3:35PM NEEDLE & ROSENBERG NO. 0513-P. 12/20

ATTORNEY DOCKET NO. 09170.0001u1
International Application No. PCT/GB2004/003002
EXPRESS MAIL LABEL NO. EL 9976786761US

17. (Original) An apparatus for profiling characteristics of a mobile device, the apparatus comprising:

 - a network interface for transmitting test data to the mobile device over a mobile communications network for output by the mobile device;
 - a processor for providing query data to a user interface for display by the user interface, which query data defines a query concerning the expected output of the test data by the mobile device, and for receiving response data defining a response to the query from the user interface; and
 - a database for storing the response data.

8. (Original) The apparatus of claim 17, wherein the network interface transmits the test data to the mobile device using a dedicated data communications link.

(Currently amended) The apparatus of claim 17 or claim 18, wherein the network interface transmits the test data to the mobile device using a data messaging service.

(Currently amended) The apparatus of claim 17 or any one of claims 17 to 19, wherein the network interface transmits the test data to the mobile device substantially simultaneously with the processor providing query data to the user interface.

(Currently amended) The apparatus of claim 17 or any one of claims 17 to 20, wherein active queries concern respective items of test data.

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JAN. 23, 2007 3:35PM NEEDLE & ROSENBERG

NO. 0513 7. 13/20

ATTORNEY DOCKET NO. 09170.0001.u
International Application No. PCT/GB2004/003002
EXPRESS MAIL LABEL NO. EL 997678676 US

22. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 21, wherein the network interface transmits items of test data to the mobile device in an order corresponding with an order in which the queries concerning the respective items of test data are provided for display.
23. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 21, wherein respective items of test data and individual attributes of the mobile device.
24. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 21, wherein at least some items of test data have characteristics of the display of the mobile device.
25. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 24, wherein output of at least some items of test data comprises display of the test data.
26. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 25, wherein at least some of the items of test data have communication characteristics of the mobile device.
27. (Currently amended) The apparatus of claim 17 as set forth in claims 17 to 26, wherein output of at least some items of test data comprises transmission of data over the mobile telecommunications network.

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PAGE 12 OF 12 DRAFT 12/27/2007 12:45 PM Pacific Standard Time 12/27/2007 12:45 PM Pacific Standard Time

JAN 23 2007 3:36PM NEEDLE & ROSENBERG NO. 0513-2, 15/20

ATTORNEY DOCKET NO. NPI70.000012
International Application No. PCT/GB2004/003502
EXPRESS MAIL LABEL NO. EL 997678676 US

33. (Canceled) An apparatus for profiling the characteristics of a mobile device substantially as described with reference to any of the accompanying drawings.

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PAGE 15171400 AT 122007 12:45 PM Eastern Standard Time 2007 BY 11232007 CSD - INVENTION

JAN. 23, 2007 3:36PM NEEDLE & ROSENBERG

—HO. 0513—P. 17/20—

ATTORNEY DOCKET NO. 09170.0001u1
International Application No. PCT/GB2004/003002
EXPRESS MAIL LABEL NO. EL 9976787673

ABSTRACT

A method for profiling characteristics of a mobile device comprises transmitting test data to the mobile device over a mobile telecommunications network for output by the mobile device; providing query data to a user interface defining queries for display by the user interface, which queries concern the expected output of the test data by the mobile device; receiving response data from the user interface defining a response to the query; and storing the response data in a database.

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PAGE 1720 | RCV'D AT 12/22/2017 11:14 PM Eastern Standard Time | SYSTEM TO EXP-304 | DIS2706M | CSD: | DURATION (min:s) 00:00

JAN 23 2007 3:36PM NEEDLE & ROSENBERG 10.0513-7. 10/20

Exhibit B

| | | |
|--|---------------------------|---|
| TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DOES/EO) | | MAIL LABEL NO. EL 96707237543 |
| CONCERNING A FILING UNDER 35 U.S.C. 371 | | ATTORNEY DOCKET NUMBER 09170-Q0001U1 US APPLICATION NO. Filing on 37 CFR 1.1 |
| INTERNATIONAL APPLICATION NO. | INTERNATIONAL FILING DATE | PRIORITY DATE CLAIMED |
| PCT/GB2004/003001 | July 8, 2004 | July 9, 2003 |
| TITLE OF INVENTION: METHOD AND APPARATUS FOR PROFILING CHARACTERISTICS OF MOBILE DEVICES | | |
| APPLICANT(S) FOR DOES/EO: PEARCE James and BYTTNER, Anders | | |
| Applicant has filed a notice of the United States Designated/Elected Office (DOES/EO) in the following areas and other countries: | | |
| <p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(j)). The submission must include Items (3), (4), (6) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> Is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> Has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> Is not required, as the application was filed in the United States Receiving Office (ROUS).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> Is attached hereto.</p> <p>b. <input type="checkbox"/> Has been previously submitted under 35 U.S.C. 154(e).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(g)(3))</p> <p>a. <input type="checkbox"/> Are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> Have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> Have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input checked="" type="checkbox"/> Have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(g)(2)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(p)(1)).</p> <p>10. <input type="checkbox"/> An English language translation of the witness of the International Preliminary Examination Report under PCT Article 35 (35 U.S.C. 371(g)(5)).</p> <p>Items 11 to 21 below concern documents(s) or information included:</p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.37 and 1.38.</p> <p>12. <input type="checkbox"/> An assignment document or agreement. A separate cover sheet is required for 37 CFR 1.28 and 1.31(e). Included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A stability specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13(2) and 15 (35 U.S.C. 1.821-1.825). The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(j).</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(y)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(e)(4).</p> <p>22. Other items or information:</p> | | |

PAGE 1001 RECD AT 10:00AM 1/21/11 BY [redacted] STAMPED 1/21/11 10:00AM 1001 DURATION 100-1004

JAN 23 2007 3:37PM NEEDLE & ROSENBERG 10563 2. 19/20

| | | | |
|---|---------------|--|-----------------|
| U.S. APPLICATION NO. 87/07115 | | INTERFACED/UNPUBLISHED PRIORITY CLAIMS | OTHER DOCUMENTS |
| Total filing fees have been calculated. | | | |
| <input checked="" type="checkbox"/> Filing fee | | CALCULATIONS | PTO USE ONLY |
| 21. <input checked="" type="checkbox"/> Examination fee | | \$ 200.00 | |
| Other application fees (U.S. or ex PCT) imposed by PTO based on U.S. filing fees (e.g. PCT fees 27 CFR) | | \$ 200.00 | |
| Altogether | | \$ 200.00 | |
| <input checked="" type="checkbox"/> Search fee | | \$ 400.00 | |
| Initial search fees (U.S. or ex PCT) imposed by PTO based on U.S. filing fees (e.g. PCT fees 27 CFR) | | \$ 400.00 | |
| Search fee (PCT LA/US) is a reduced application fee (PCT fees 27 CFR) | | \$ 400.00 | |
| Altogether | | \$ 400.00 | |
| TOTAL OF 21, 22 AND 23 = \$ 600.00 | | | |
| <input checked="" type="checkbox"/> Advanced fee or equivalent and drawing fee (copy per 100 sheets including drawings being deposited) including all other advanced fees (e.g. filing fees, etc.) | | | |
| Total Sheets | Excess Sheets | No. of each additional 100 or fraction thereof (round up to nearest integer) | RATE |
| 10 | /10+ | 1 | \$ 100.00 |
| Drawing fee of \$100.00 for drawing which is not enclosed but has 10 sheets from the earliest claimed priority date of CTA 16233 | | | |
| TOTAL OF ABOVE CALCULATIONS = \$ 1600.00 | | | |
| <input checked="" type="checkbox"/> Advance draw staff entry fees. See 37 CFR 1.27. Fees shown are reduced by 5% | | | |
| SUBTOTAL = \$ 1600.00 | | | |
| Processing fee of \$100.00 for translating the English application (See 37 CFR 1.26(b)). This category must be accounted for after the initial claimed priority date of CTA 16233. | | | |
| TOTAL NATIONAL FEE = \$ 1600.00 | | | |
| Fee for preparing the electronic instrument (37 CFR 1.21(e)). This category must be accounted for after the initial claimed priority date of CTA 16233. | | | |
| TOTAL FEES ENCLOSED = \$ 1600.00 | | | |
| | | America in Interest | \$ |
| | | Foreign | \$ |
| <input checked="" type="checkbox"/> Advance in the amount of \$ _____ to cover the above fees is enclosed. | | | |
| <input checked="" type="checkbox"/> Please charge my Deposit Account No. 14-028 in the amount of \$ _____ to cover the above fees. A duplicate copy of PTO check enclosed. | | | |
| <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-028. A duplicate copy of this sheet is enclosed. | | | |
| <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. | | | |
| <input checked="" type="checkbox"/> Pursuant to 37 CFR 1.15(a)(7), the Commissioner is hereby requested and authorized to treat any communication in the above-stated application, requiring a return of an amount of time for its timely submission, as representing a return of payment of fees for the appropriate length of time. | | | |
| NOTE: When an application (or a part under 37 CFR 1.14 or 1.43) has not been filed, a petition to revive (37 CFR 1.17 (a) or (b)) must be filed and granted to restore the application to pending status. | | | |
| SEND ALL TO THE ADDRESSEES ASSOCIATED WITH: | | | |
| Customer No. 21569 | | | |
| Signature: <i>[Signature]</i> | | | |
| Name: Simeon C. Rosenberg | | | |
| Name: <i>[Signature]</i> | | | |
| Registration Number: 28-371 | | | |

PAGE TWO OF A TOTAL OF TWENTY-ONE (21) PAGES